



RAVALLI COUNTY, MONTANA INTERIM ZONING VARIANCE PROCEDURE

Adopted March 26, 2007

This variance procedure pertains to "An Interim Zoning Regulation Limiting Subdivisions to a Density of One Residence Per Two Acres for a Period of One Year," enacted November 7, 2006. The procedure for requesting a variance from this regulation is as follows, as adopted by the Ravalli County Board of Adjustment (BOA):

1. Applicant completes and submits application form, supplementary materials, and appropriate fee to the Planning Department. Fees will not be refunded if the Planning Department has commenced review of the application.
2. Planning staff will review the variance application to determine whether it contains sufficient information to be reviewed by the BOA. If the application is insufficient, Planning staff will inform the applicant in writing as to the application's deficiencies, and the applicant will have the opportunity to submit supplementary materials to correct the deficiencies. (Any application left dormant for six months will be designated as a "dead file" and will require resubmission with the repayment of fees in order to restart the process.)
3. Planning staff will contact relevant agencies and solicit comments regarding the variance request.
4. Once the application is deemed sufficient, a public hearing before the BOA will be scheduled at least three (3) weeks following the determination of sufficiency. The applicant will be notified by certified mail of the time and date of the public hearing.
5. Planning staff will contact the adjoining property owners by certified mail and arrange for the publication of a legal advertisement in the *Ravalli Republic* to be printed once a week for two weeks prior to the public hearing.
6. Planning staff will publish a staff report, which will include findings of fact, conclusions of law, and recommendations pertaining to the variance request. The staff report will be provided to the applicant and the BOA at least seven (7) calendar days prior to the public hearing.
7. Following the public hearing, the BOA will issue a decision on the variance request. The decision will be based on the criteria listed within the interim zoning regulation and the BOA will be bound by those criteria.
8. If the variance request is approved or conditionally approved, a record of the decision will be signed by the BOA and filed in the office of the Clerk and Recorder, and a copy of the record will be sent to the applicant by certified mail. If the variance is denied, a letter to that effect will be signed by the BOA and sent to the applicant by certified mail.
9. Decisions made by the BOA may be appealed to a court of record in accordance with the provisions of Section 76-2-227, Montana Code Annotated.